

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

HENRY FLOYD LOVE, JR., )  
v. )  
Plaintiff, )  
STATE OF OKLAHOMA, *et al.*, )  
Defendants. )  
Case No. CIV-05-1055-M

## ORDER

On April 19, 2006, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation [docket no. 33] in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that the Court (1) grant Defendant John Whetsel's motion for summary judgment,<sup>1</sup> and (2) dismiss, without prejudice, Plaintiff's claims against the State of Oklahoma. The parties were advised of their right to object to the Report and Recommendation by May 9, 2006. On May 10, 2006, Plaintiff filed his objections.

Having carefully reviewed this matter *de novo*, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on April 19, 2006, and
- (2) GRANTS Defendant John Whetsel's motion for summary judgment; and
- (3) DISMISSES Plaintiff's claims against the State of Oklahoma.

**IT IS SO ORDERED** this 16th day of May, 2006.

Vicki Miles-LaGrange  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Pursuant to Magistrate Judge Bacharach's February 24, 2006 Order, Defendant Whetsel's motion to dismiss [docket no. 27] was treated as a motion for summary judgment.